



Proposed technical amendment:

SECTION ____. G.S. 42A-4 reads as rewritten:

"§ 42A-4. Definitions.

The following definitions apply in this Chapter:

- (1) Advanced payments. – All payments made by a tenant in a vacation rental agreement to a landlord or the landlord's real estate broker prior to occupancy for the purpose of renting a vacation rental property for a future period of time as specified in the vacation rental agreement.
- (1a) Landlord. – An owner of residential property offered for lease as a vacation rental with or without the assistance of a real estate broker.
-  (1b) through (1f) ~~Reserved.~~
- (1g) Real estate broker. – A real estate broker as defined in G.S. 93A-2(a).
- (2) Residential property. – An apartment, condominium, single-family home, townhouse, cottage, or other property that is devoted to residential use or occupancy by one or more persons for a definite or indefinite period.
- (3) Vacation rental. – The rental of residential property for vacation, leisure, or recreation purposes for fewer than 90 days by a person who has a place of permanent residence to which he or she intends to return.
-  (4) Vacation rental agreement. – A written agreement between a landlord or ~~his or her~~ the landlord's real estate broker and a tenant in which the tenant agrees to rent residential property belonging to the landlord for a vacation rental." [(1999-420, s. 1; 2016-98, s. 1.1.)]

Explanation: S.L. 2016-98, s. 1.1, mistakenly enacted the word "Reserved." by underlining it. See G.S. 120-20.1. If the word is removed, LexisNexis will add the appropriate parenthetical note explaining that subdivisions (1b) through (1f) are reserved for future codification purposes. Please note that the Codifier numbered the definitions differently than the session law to accommodate the codification policy of not renumbering existing provisions. The proposed technical amendment would substitute "the landlord's" for "his or her" to clarify that a landlord can also be a business entity.

Excerpt from S.L. 2016-98:

**SESSION LAW 2016-98
HOUSE BILL 151**

AN ACT TO AMEND THE VACATION RENTAL ACT TO CLARIFY THE ROLE OF REAL ESTATE BROKERS IN TRANSACTIONS BETWEEN LANDLORDS AND TENANTS, TO PROTECT MEMBERS OF THE ARMED FORCES BY ALLOWING TERMINATION OF RENTAL AGREEMENTS UPON TRANSFER OR REDEPLOYMENT, TO CLARIFY THE PROCEDURE FOR AWARDING AND COLLECTING CERTAIN COURT FEES IN EVICTION PROCEEDINGS, AND TO ALLOW AMENDMENTS TO A LEASE OF REAL PROPERTY TO ORANGE COUNTY TO FACILITATE JAIL CONSTRUCTION.

The General Assembly of North Carolina enacts:

**PART I. CHANGES TO THE VACATION RENTAL ACT/SUMMARY
EJECTMENT/RESIDENTIAL RENTAL AGREEMENTS**

SECTION 1.1. G.S. 42A-4 reads as rewritten:**"§ 42A-4. Definitions.**

The following definitions apply in this Chapter:

- (1) Advanced payments. – All payments made by a tenant in a vacation rental agreement to a landlord or the landlord's real estate broker prior to occupancy for the purpose of renting a vacation rental property for a future period of time as specified in the vacation rental agreement.
- (2) Landlord. – An owner of residential property offered for lease as a vacation rental with or without the assistance of a real estate broker.
- (3) Reserved.
- ~~(4)~~(4) Real estate broker. – A real estate broker as defined in G.S. 93A-2(a).
- ~~(2)~~(5) Residential property. – An apartment, condominium, single-family home, townhouse, cottage, or other property that is devoted to residential use or occupancy by one or more persons for a definite or indefinite period.
- ~~(3)~~(6) Vacation rental. – The rental of residential property for vacation, leisure, or recreation purposes for fewer than 90 days by a person who has a place of permanent residence to which he or she intends to return.
- ~~(4)~~(7) Vacation rental agreement. – A written agreement between a landlord or his or her real estate broker and a tenant in which the tenant agrees to rent residential property belonging to the landlord for a vacation rental."

PART III. EFFECTIVE DATE

SECTION 3.1. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 1st day of July, 2016.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 1:59 p.m. this 18th day of July, 2016